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Counsel for Plaintiff

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

IN RE: UBER TECHNOLOGIES, INC.,
 PASSENGER SEXUAL ASSAULT
 LITIGATION

Case No. 3:23-md-03084-CRB

Honorable Charles R. Breyer

This Document Relates to:

H.B. v. Uber Technologies, Inc., et al.,
 No. 3:23-cv-05949-CRB

**PLAINTIFF’S RESPONSE TO
 DEFENDANTS’ MOTION TO DISMISS
 CASES FOR FAILURE TO COMPLY
 WITH PTO 10**

Date: December 12, 2025
 Time: 10:00 a.m.
 Courtroom: 6 – 17th Floor

I. INTRODUCTION

On October 22, 2025, Defendants filed an Amended Motion to Dismiss cases of Plaintiffs who allegedly failed to submit substantially complete Plaintiff Fact Sheets in connection with Pretrial Order (“PTO”) 10. [Doc. No. 4203]. PTO 10 sets forth procedures and deadlines for Plaintiffs to produce substantially complete Plaintiff Fact Sheets. Plaintiff H.B. (“Plaintiff”) had previously cured any alleged deficiencies prior to Defendants filing their Amended Motion to

Dismiss. Plaintiff H.B. notified Defendants of their error in including H.B. in the Motion, but to date have not received any response. Because there is no deficiency that has not already been cured, Defendant's Amended Motion should be Denied as to Plaintiff H.B.

II. ARGUMENT

a. Plaintiff H.B. should not be dismissed.

Plaintiff has acted diligently to cure any deficiencies identified by the Defendants and fully complied with PTO 10 by providing the missing information and documents Defendants alleged were deficient on September 18, 2025. Therefore, Plaintiff, H.B., should be removed from consideration of Defendants' October 22, 2025, Amended Motion to Dismiss. Plaintiff notified Defendants of this on October 28, 2025, again with no response. Because there is no failure to comply with PTO 10, Defendants' Amended Motion to Dismiss should be denied as to Plaintiff.

b. Defendants' Failure To Meet and Confer With Plaintiff Provides An Independent Basis to Deny Dismissal of Plaintiff's Claims.

Local Rule 37-1 expressly requires counsel to meet and confer in good faith before bringing a discovery motion. L. R. 37-1. Defendants' counsel failed to engage in this process with Plaintiff's counsel before filing their motion, in direct violation of this Court's Local Rules. Notably, despite Plaintiff's outreach attempt on October 28, 2025, to resolve the dispute in good faith, Defendants did not respond or participate in any meet and confer effort. This failure, standing alone, warrants denial of Defendants' amended motion as to this Plaintiff.

III. CONCLUSION

For the foregoing reasons, Plaintiff H.B. respectfully requests that Defendants' Amended Motion to Dismiss be denied, as Plaintiff has fulfilled their obligation under PTO 10 and were not afforded the required meet and confer process.

1 Dated: November 3, 2025 Respectfully submitted,

2 **ANAPOL WEISS**

3 By: /s/ Holly Dolejsi

4 HOLLY DOLEJSI (*Admitted Pro Hac Vice*)

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19 *Counsel for Plaintiff*

20 **CERTIFICATE OF SERVICE**

21 I hereby certify that on November 3, 2025, I electronically filed the above document with
22 the Clerk of the Court using the CM/ECF system, which will automatically send notification of
23 the filing to all counsel of record.

24 Dated: November 3, 2025

25 By: /s/ Holly Dolejsi

26 Holly Dolejsi